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LENNAR CORPORATION; and LENNAR SALES CORPORATION
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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
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12 AZURE MANOR/RANCHO DE PAZ
HOMEOWNERS ASSOCIATION, a Nevada
13 residential, common-interest planned
community,

14 Plaintiff,

15 v.

16 U.S. HOME CORPORATION, a Delaware
17 corporation; LENNAR CORPORATION, a
Nevada corporation; LENNAR SALES
18 CORP., a California corporation, and DOES 1-
100, inclusive,

19 Defendants.
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CASE NO.: 2:15-cv-00002-JAD-CWH

**DEFENDANTS' MOTION FOR LEAVE
TO FILE SUPPLEMENTAL BRIEFING
IN SUPPORT OF MOTION TO STAY
ACTION PENDING COMPLIANCE
WITH NRS 40.600, *et seq.* (Doc. 7) WITH
SUPPLEMENTAL BRIEFING
ATTACHED**

21 Defendants U.S. Home Corporation, Lennar Corporation, and Lennar Sales Corporation
22 (collectively "U.S. Home") hereby seek leave of this Court to file supplemental briefing in support
23 of U.S. Home's Motion to stay action pending compliance with NRS 40.600 *et seq.* (Doc. 7) due
24 to a post-filing change in controlling law. A copy of U.S. Home's supplement is attached hereto
25 as Exhibit "1."

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1 This Motion is made and based upon the Points and Authorities filed concurrently
2 herewith, all pleadings and papers on file herein, and such oral argument as may be heard by the
3 Court.

4 DATED: March 30, 2015

PAYNE & FEARS LLP

6 By: /s/ Gregory H. King

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Attorneys for Plaintiff

U.S. HOME CORPORATION, LENNAR

CORPORATION, and LENNAR SALES CORP.

12 **ORDER**

13 Accordingly, **IT IS HEREBY ORDERED** that Defendants' motion for leave to file
14 supplemental briefing (doc. # 22) **is granted**. Defendants are directed to re-file their
15 supplemental brief, along with all relevant exhibits, so it is properly reflected on the
16 docket. Plaintiff, if it wishes, may file a response to Defendants' supplemental brief **no**
17 **later than April 10, 2015**.

18 DATED: March 31, 2015

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United States Magistrate Judge

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MEMORANDUM OF POINTS AND AUTHORITIES**I. BACKGROUND AND ARGUMENT**

On January 15, 2015, U.S. Home filed a motion to stay this case pending Plaintiff's (hereinafter "HOA") compliance with the notice, inspection, and mediation requirements of NRS 40.600 *et seq.* ("Chapter 40"). (Doc. 7). However, after U.S. Home's motion was filed, the statute which previously gave the HOA authority to initiate construction defect actions on behalf of its members for defects within the members' residences, NRS 116.3102(1)(d), was amended effective February 24, 2015. *See*, 2015 Nevada Laws. Ch. 2 (A.B. 125). After February 24, homeowners' associations are no longer permitted to initiate construction defect claims on behalf of their members for issues affecting the members' residences. Thus, U.S. Home withdraws its request to stay this case to allow the HOA to satisfy the notice and other requirements of Chapter 40 for the 93 homes in the community for which an effective notice was not given prior to February 24. Instead, U.S. Home hereby limits its motion to stay to the 5 homes for which the HOA gave proper notice prior to the effective date of AB 125, for which the HOA still needs to satisfy the inspection and mediation requirements of Chapter 40.

U.S. Home seeks leave of this Court to file the attached supplement addressing this important change in controlling law and its impact on U.S. Home's previously filed motion to stay.

II. CONCLUSION

Based on the foregoing, U.S. Home seeks leave of this honorable Court to file the supplement to its motion to stay this case, which is attached hereto as Exhibit "1."

1 DATED: March 30, 2015

PAYNE & FEARS LLP

2
3 By /s/ Gregory H. King

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2015, I served a true and correct copy of the above and foregoing, **DEFENDANTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING IN SUPPORT OF MOTION TO STAY ACTION PENDING COMPLIANCE WITH NRS 40.600, et seq. (Doc. 7) WITH SUPPLEMENTAL BRIEFING ATTACHED** was made this date by electronic transmission through the court's CM/ECF program.

/s/ Nancy Babas

Nancy Babas

An Employee of PAYNE & FEARS LLP

4812-1127-9905.1

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